

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES OF THE CHICAGO
REGIONAL COUNCIL OF CARPENTERS
PENSION FUND, et al.,

Plaintiffs,

PRESTIGE CONSTRUCTION, L.L.C.,

Defendant.

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) Judge Feinerman
) Case No. 12 cv 9830
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MOTION FOR AGREED SUPPLEMENTAL JUDGMENT

The Plaintiffs, by their attorney, David Whitfield, move this Court for the entry of an Agreed Supplemental Judgment and in support state as follows:

1. On March 21, 2013, this Court entered a judgment in favor of the Plaintiffs and against the Defendant in the amount of \$64,838.56. The judgment amount represented unpaid ERISA contributions, attorneys' fees and court costs, liquidated damages, and interest. (*Exhibit A*)

2. The judgment order included attorneys' fees and court costs totaling \$2,774.85.

3. Plaintiffs have collected \$44,574.32 of the judgment via citations to discover assets issued to various third parties.

4. Plaintiffs' counsel has spent additional hours post entry of the underlying judgment to collect the \$44,574.32.

5. Plaintiffs seek additional attorneys' fees for engaging in post-judgment proceedings, issuance of citations to discover assets, and other forms of discovery to satisfy the outstanding judgment amount.

6. Defendant is obligated to pay the attorney fees incurred by the Plaintiffs pursuant to 29 U.S.C. §1132 (g)(2)(D). *Laborers Health and Welfare Trust Fund v. Advanced Lightweight Concrete Co.*, 484 U.S. 539, 547, 98 L. Ed. 2d 936, 108 S. Ct. 830 (1988) ("The special remedy against employers who are delinquent in meeting their contractual obligations that is created by §502(8)(2) includes a mandatory award of ... attorney's fees and costs."); *Plumbers' Pension Fund v. Domas Mechanical Contractors, Inc.*,

778 F.2d 1266, 1271 (7th Cir. 1985) (stating that the award of reasonable attorney's fees is "nondiscretionary").

7. The March 21, 2013 judgment entered by Judge Feinerman awards the Plaintiffs costs and fees to execute or otherwise collect on that judgment.

8. On March 4, 2015, Plaintiffs' and Defendant's counsel agreed on a supplemental judgment of post judgment fees in the amount of \$10,000.00.

WHEREFORE, Plaintiffs pray for an entry of an order for an Agreed Supplemental Judgment in the amount of \$10,000.00.

TRUSTEES OF THE CHICAGO
REGIONAL COUNCIL OF CARPENTERS
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By: /s/ David Whitfield
Attorney for Plaintiffs

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